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Claim Rejections Under 35 U.S.C § 103

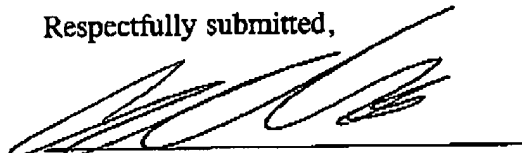
On page 2 of the Office Action, Claims 1-2 were rejected under 35 U.S.C § 103 as being unpatentable over Takagi et al. in view of Clar et al. Applicants respectfully disagree. The Examiner stated that Takagi et al identifies conditions of degraded braking effectiveness based on periodically measuring vehicle deceleration and brake pedal position. Applicants assert that Takagi et al. does not disclose a brake pedal position sensor but rather a brake actuation sensor 82 such as a simple off/on switch responsive to pressure from the driver. Takagi in column 4, lines 51-54 discloses that brake sensor 82 issues a signal when the brake pedal is pushed down, and in column 5, lines 50-52, Takagi determines at function 101 whether the brake pedal is depressed. Takagi does not have the capability to periodically measure brake pedal position because Takagi does not include a brake pedal position sensor. Therefore, Takagi et al. and Clar, singly or in combination, do not teach or suggest the present claimed invention.

Conclusion

The entire Office Action dated December 18, 2002 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-11 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

If for some reason a fee needs to be paid, please charge Deposit Account No. 07-0960 for any such fee which may be due.

Respectfully submitted,



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